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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/081,710

02/20/2002

Michael K. Speyrer

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7590

09/01/2006

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EXAMINER

FRANCIS, MARK P

ART UNIT

PAPER NUMBER

2193

DATE MAILED: 09/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/081,710	Applicant(s) SPEYRER ET AL.	
	Examiner Mark P. Francis	Art Unit 2193	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 June 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-22.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
 13. ☐ Other: _____.

Kaka-Ch.

KAKALI CHAKI
SUPERVISORY PATENT EXAMINER

The Examiner has taken into consideration all of Applicants' arguments but maintains his grounds of rejection.

With respect to claims 1,8 and 17, Applicant essentially argues that the combination of Carter-Kelbaugh does not teach or disclose performing a committee review of the database record of potential defects by the author, moderator and review team members to evaluate identified potential defects for acceptance or rejection.

In reply, The examiner disagrees Note Kelbaugh Col 4:0096-0099, it is here that Kelbaugh teaches that a tester can access the bug queue in order to enter specific information with respect to the discovered bugs in the master bug log. Kelbaugh suggests that the master bug log is a database that includes a list of every bug that has been published for every game developer. Kelbaugh also discloses that the tester can use the comments section for identifying an potential aspect that may not be considered a bug, but the comments section may be helpful to the game developers, and the project coordinator in making a determination as to whether to modify a game or not based on the acceptance or rejection of the potential bug. Next, a project coordinator, (e.x. a moderator) reviews the bug queue and decides to publish the bugs for viewing by the developers or authors. At some point ,the author(developers), tester(review team members), and moderator(project coordinator) all review and comment on the bugs contained inside the bug log queue before the bugs are actually sent to the Master bug log database. Kelbaugh then teaches that the master bug log only includes those bugs that have been accepted after being placed in a bug queue. Therefore, Kelbaugh does teach performing a committee review of the database record of potential defects by the author, moderator and review team members to evaluate identified potential defects for acceptance or rejection.

With respect to claims 1, 8, and 17, applicant essentially argues that the combination of the Carter-Kelbaugh does not teach or dusclose generating a defects report from a committee review of the potential defects by the author, moderator and review team members, the report identifying potential defects for acceptance or rejection.

In response, The Examiner differs Note Kelbaugh Col 4:0097-0099, it is here that Kelbaugh teaches a screen display from the master bug log that contains all the bugs for a project that have been entered. Kelbaugh mentions that all the bugs contained in the master bug log only includes the bugs that have been accepted by both the authors and review team members. Finally, Kelbaugh suggests that the project coordinator reviews over the master bug log and then modifies or accepts the bugs and plices the bugs in the master bug log. Therefore, Carter-Kelbaugh does teach generating a defects report from a committee review of the potential defects by the author, moderator and review team members, the report identifying potential defects for acceptance or rejection.

In addition, Applicants argue that the combination of Carter-Kelbaugh is improper.

In reply, The Examiner disagrees Col 1:0007-0008, it is here that Kelbaugh states clearly that the motivation would be to provide a twenty-four hour a day, seven days a week, communication capability between game testers, project coordinators, game developers and others that are deeply involved in the testing and debugging process of application programs. Also, Kelbaugh mentions that his invention will allow the exachanging of game and debugging related messages between testers, project coordinators, and corporate contacts toi allow for improved analysis and better resolutions to the identified bugs. Thus, there is proper motivation to combine Carter-Kelbaugh.


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